

**UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT
ANSWERS TO FREQUENTLY ASKED QUESTIONS**

Computation of Time: If ordered by a date certain, 3 day mailing rule does **not** apply; if time to file runs “from date of service,” 3day rule applies. Only Briefs and appendices are treated as timely filed on date mailed or delivered to a commercial carrier. FRAP 25(a), 26(b) Other pleadings must reach the court by the due date.

WHAT	WHO FILES	WHEN	HOW MANY	REMARKS
Docketing Statement 10th Cir. R. 3.4	Appellant	10 days after NOA (may file w/o appeal docket number)	Original + 4	Must attach: dist ct dkt sheet, order or judg’t appealed; any post judg’t motion and notice of appeal
Entry of Appearance and Certification of Interested Parties 10th Cir. R. 46.1	Counsel for all Parties	10 Days from case opening letter	If interested parties, Original + 3 – If no interested parties, Original only	
Transcript Order Form FRAP 10(b)	Appellant Appellee	10 days from NOA 10 days from aplt form	1 - district court 1 - court reporter 1 - 10th Circuit 1 - all parties	Must notify district court, 10th Circuit, and parties even if no transcript ordered
Designation of Record 10th Cir. R. 10.2	Court Appointed Counsel ONLY	Appellant - 10 days from NOA	1 - district court 1 - 10th Circuit 1 - all parties	Must attach district court docket sheet with designated documents circled
Motions FRAP 27, 10th Cir. R. 27	Any party	Varies	Original + 3 – If en banc, Original + 14 Motion to dismiss, original + 7	Must include opposing parties’ position and, if applicable , custody status, current due date or previous extensions
Appellant’s Opening Brief FRAP 28, 31, 32 10th Cir. R. 28, 31, 32	Appellant with retained counsel Appellant with appointed counsel	40 days from date district court certifies record complete 40 days from date record filed in circuit court	Original + 7 30 Pages or 14,000 words or 1,300 lines of text	White or blue cover. Must include oral argument statement on front cover - if requested reason must be given at conclusion, prior or related appeals, order or judgment appealed. If more than 30 pages, certificate of compliance

Note: Except for footnotes, all documents must be double spaced.

Briefs FRAP 28, 31, 32 10th Cir. R. 28, 31, 32	Appellee	30 days from service of appellant's opening brief	Original + 7 30 Pages or 14,000 words or 1,300 lines of text	White or red cover. Oral argument statement, etc, same as appellant. Attach order or judgment if appellant did not
Briefs FRAP 28, 31, 32 10th Cir. R. 28, 31, 32	Appellant Reply	14 days from service of appellee's response brief	Original + 7 15 pps or no more than half the type volume of a principal brief	White or gray cover
Cross Appeals FRAP 28, 31, 32 10th Cir. R. 28, 31, 32	1st Brief	40 days from date district court certifies record complete (If court appointed counsel, 40 days from date record filed in circuit court)	Original + 7 30 Pages or 14,000 words or 1,300 lines of text	Same as appellant's opening brief
	2d Brief	30 days from service of 1st brief	Same	White or red cover
	3d Brief	30 days from service of 2d brief	Same	White, red or gray cover
	4th Brief	14 days from service of 3d brief	Same as appellant reply	White or gray cover
Supplemental Authority FRAP 28(j)	Any party	Any time after briefing	Original + 7	
Appendix FRAP 10, 30 10th Cir. R. 10, 30	Appellant or Appellee	With principal brief Sealed documents must be filed separately	2 copies NO originals	A supplemental filed with appellant's reply brief must be accompanied by motion
Addendum 10th Cir. R. 10.3(D)(5), 3	Appellant or Appellee	With principal brief	One copy, NO originals	If an app'x is filed, it may be easier to include the exhibits in both copies of the app'x
Petitions for Rehearing FRAP 35, 40 10th Cir. R. 35, 40	Any Party	14 days from date of entry of judgment. In a civil case where the U.S. is a party, 45 days	Original + 3 If en banc, original + 14 (No more than 15 pages)	Three day mailing rule does NOT apply. If en banc, copy of opinion or OJ must be attached. Must include FRAP 35(b)(1) statement